

## COUNTY NOTICES PURSUANT TO A.R.S. § 49-112

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### NOTICE OF EXPEDITED RULEMAKING MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS REGULATION III – CONTROL OF AIR CONTAMINANTS

[M09-194]

#### PREAMBLE

- 1. Sections Affected**

	<u>Rulemaking Action</u>
Rule 317: Hospital/Medical/Infectious Waste Incinerators	Amend
Rule 321: Municipal Solid Waste Landfills	Amend
Rule 360: New Source Performance Standards	Amend
Rule 370: Federal Hazardous Air Pollutant Program	Amend
Rule 371: Acid Rain	Amend
Appendix G: Incorporated Materials	Amend
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rule is implementing (specific):**

Authorizing Statutes: A.R.S. §§ 49-474, 49-479 and 49-480  
Implementing Statutes: A.R.S. §§ 49-112 and 49-471.08
- 3. A list of all previous notices appearing in the Register addressing the expedited rule:**

Notice of Rulemaking Docket Opening: 15 A.A.R. 831, May 22, 2009
- 4. The name and address of department personnel with whom persons may communicate regarding the rulemaking:**

Name: Cheri Dale, Planning and Analysis Division  
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- 5. An explanation of the rule, including the department's reasons for initiating the rule:**

#### **Summary:**

The Maricopa County Air Quality Department (department) is proposing to incorporate by reference various federal regulations and documents promulgated by the U.S. Environmental Protection Agency (EPA) and published in the Federal Register, including actions related to New Source Performance Standard (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain and other parts of Title 40 of the Code of Federal Regulations (CFR). These rules implement federal requirements according to each federal program identified or applicable source type subject to these regulations. The proposed action will include amending the incorporation by reference date from “2006” to “2008” in each of the rules to remain current with federal regulations. This incorporation by reference is necessary before requesting the EPA’s delegation of authority to Maricopa County for the implementation and enforcement of the federal rules documented in the Maricopa County Air Pollution Control Regulations Rules 317, 321, 360, 370, 371, and Appendix G.

In addition, the proposed amendments will also correct typographical or other clerical errors; make minor grammatical changes to improve readability or clarity; modify the format, numbering, order, capitalization, punctuation, or syntax of certain text to increase standardization within and among rules; or make various other minor changes of a purely editorial nature. As these changes do not alter the sense, meaning, or effect of the rule, they are not described in detail here, but can be readily discerned in the “strikeout and underline” version of the rule contained in Item 14 of this notice.

#### **Significant Proposed Changes:**

##### **Rule 317: Hospital/Medical/Infectious Waste Incinerators:**

This proposed incorporation by reference is substantially identical to the Arizona Department of Environmental

*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

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Quality (ADEQ) Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators, R18-2-732, and 40 CFR 60, Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996. No updates to 40 CFR 60, Subpart Ec occurred between July 1, 2006 and July 1, 2008.

The following amendments to Rule 317 are proposed:

- Amend the incorporation by reference date from “2006” to “2008.”
- Add the wording “Each owner or operator of an affected facility shall comply with the requirements of 40 CFR 60, Subpart Ec as adopted and, where applicable, revised herein” to clarify the requirements of each owner or operator and to provide consistency with wording throughout the department regulations.

**Rule 321: Municipal Solid Waste Landfills:**

This proposed incorporation by reference is substantially identical to the ADEQ's Standards of Performance for Existing Municipal Solid Waste Landfills, R18-2-731 and 40 CFR 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills. Updates to 40 CFR 60, Subpart WWW are proposed to be incorporated by reference as of July 1, 2008, and no future editions or amendments.

40 CFR 60, Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills [Amended at 71 FR 55119, September 21, 2006].

The following amendment to Rule 321 is also proposed:

- Amend the wording to read "May 14, 1997" to specify the effective date that the rule became effective instead of using the wording "the effective date of this rule" to avoid confusion on which date is considered the effective date of the rule.

**Rule 360: New Source Performance Standards:**

This proposed incorporation by reference is substantially identical to the ADEQ's Standards of Performance rules R18-2-901 through R18-2-905; 40 CFR 60, Subparts A, D, Da, Db, Dc, J, Ja, BB, VV, VVa, GGG, GGGa, WWW, EEEE, FFFF, HHHH, IIII, JJJJ, KKKK and Appendices. Updates to the federal new source performance standards (NSPS) regulations at 40 CFR 60 are proposed to be incorporated by reference as of July 1, 2008, and no future editions or amendments.

40 CFR 60, Subpart A – General Provisions:

- Revised at 71 FR 38481, July 6, 2006;
- Added at 71 FR 39153, July 11, 2006;
- Amended and revised at 72 FR 27437, May 16, 2007;
- Amended at 72 FR 32709, June 13, 2007;
- Revised at 72 FR 51493, September 7, 2007;
- Corrected at 72 FR 55278, September 28, 2007;
- Amended at 72 FR 59190, October 19, 2007;
- Amended at 72 FR 64859, November 16, 2007;
- Revised and added at 73 FR 3567, January 18, 2008; and
- Amended at 73 FR 35837, June 24, 2008.

40 CFR 60, Subpart D – Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971 [Revised at 72 FR 32710, June 13, 2007].

40 CFR 60, Subpart Da – Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978 [Revised at 72 FR 32710, June 13, 2007].

40 CFR 60, Subpart Db – Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units [Revised at 72 FR 32710, June 13, 2007].

40 CFR 60, Subpart Dc – Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units [Revised at 72 FR 32710, June 13, 2007].

40 CFR 60, Subpart J – Standards of Performance for Petroleum Refineries [Amended at 71 FR 55119, September 21, 2006, and at 73 FR 35838, June 24, 2008].

40 CFR 60, Subpart Ja – Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 [Added at 73 FR 35838, June 24, 2008].

40 CFR 60, Subpart BB – Standards of Performance for Kraft Pulp Mills [Revised at 71 FR 55119, September 21, 2006].

40 CFR 60, Subpart VV – Standards of Performance for Equipment Leaks of VOC in Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006 [Amended at 72 FR 64859, November 16, 2007].

40 CFR 60, Subpart VVa – Standards of Performance for Equipment Leaks of VOC in Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After November 7, 2006 [Added at 72 FR 64859, November 16, 2007].

40 CFR 60, Subpart GGG – Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006 [Amended at 72 FR 64859, November 16, 2007].

40 CFR 60, Subpart GGGa – Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After November 7, 2006 [Added at 72 FR 64859, November 16, 2007].

40 CFR 60, Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills [Added and amended at 71 FR 55119, September 21, 2006].

40 CFR 60, Subpart EEEE – Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units For Which Construction Is Commenced After December 9, 2004, or For Which Modification or Reconstruction is Commenced On or After June 16, 2006 [Amended at 71 FR 67802, November 24, 2006].

40 CFR 60, Subpart FFFF – Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units that Commenced Construction On or Before December 9, 2004 [Amended at 71 FR 67802, November 24, 2006].

40 CFR 60, Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines [Added at 71 FR 39153, July 11, 2006].

40 CFR 60, Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines [Added at 73 FR 3567, January 18, 2008].

40 CFR 60, Subpart KKKK – Standards of Performance for Stationary Combustion Turbines [Added at 71 FR 38481, July 6, 2006].

The EPA [73 FR 31372, June 2, 2008], granted and extended stays related to the method of allocating shared storage vessels, the requirements for connector monitoring, and the definition for capital expenditure in 40 CFR 60, Subparts VV, VVa, GGG and GGGa.

The following amendments to Rule 360 are also proposed:

- Amend the language of the section to read "and for which federal delegation of the implementation and enforcement of the standards to the Maricopa County Air Quality Department (department) has been accomplished." to clarify the authority of the department and to provide consistency with wording throughout department regulations;
- Add "SUBPART Ja – Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007.";
- Amend the title of 40 CFR 60, Section VV to read "SUBPART VV – Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced after January 5, 1981, and on or Before November 7, 2006.";
- Add "SUBPART VVa – Standards of Performance for Equipment Leaks of VOC in Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After November 7, 2006." Renumber Section 301.55 through Section 301.61;
- Amend the title of 40 CFR 60, Section GGG to read "Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006.";
- Add "SUBPART GGGa – Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After November 7, 2006." Renumber Section 301.63 through Section 301.81;
- Add "SUBPART IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.";
- Add "SUBPART JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.";
- and
- Add "SUBPART KKKK – Standards of Performance for Stationary Combustion Turbines."

**Rule 370: Federal Hazardous Air Pollutant Program:**

This proposed incorporation by reference is substantially identical to the ADEQ's National Emission Standards for Hazardous Air Pollutants rules R18-2-1101 through R18-2-1102; 40CFR 61 Subpart A; and 40 CFR 63 Subparts A, F, G, M, T, HH, YY, EEE, LLL, DDDD, EEEE, FFFF, IIII, MMMM, PPPP, ZZZZ, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, WWWW, YYYYY, ZZZZZ, BBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, LLLLL, MMMMM, NNNNN, OOOOO, PPPPP, QQQQQ, RRRRR, SSSSS and TTTTT. Updates to the federal NESHAP regulations at 40 CFR 61 and 40 CFR 63 are proposed to be incorporated by reference as of July 1, 2008, and no future editions or amendments.

40 CFR 61, Subpart A – General Provisions [Amended at 72 FR 27437, May 16, 2007].

40 CFR 63, Subpart A – General Provisions:

- Added at 71 FR 70651, December 6, 2006;
- Amended at 72 FR 26, January 3, 2007;

- Amended at 72 FR 2929, January 23, 2007;
- Amended at 72 FR 27437; May 16, 2007;
- Added at 72 FR 38863, July 16, 2007;
- Amended at 72 FR 61060, October 29, 2007;
- Amended at 72 FR 64859, November 16, 2007;
- Revised at 72 FR 73179, December 26, 2007;
- Added at 72 FR 74087, December 28, 2007;
- Added at 73 FR 1737, January 9, 2008;
- Added at 73 FR 1915, January 10, 2008;
- Added at 73 FR 3567, January 18, 2008;
- Added at 73 FR 7210, February 7, 2008; and
- Corrected at 73 FR 12275, March 7, 2008.

40 CFR 63, Subpart F – National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry [Amended at 71 FR 76603, December 21, 2006].

40 CFR 63, Subpart G – National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry Process Vents, Storage Vessels, Transfer Operation and Wastewater [Amended at 71 FR 76603, December 21, 2006].

40 CFR 63, Subpart M – National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities [Amended at 71 FR 42724, July 27, 2006; at 71 FR 55280, September 21, 2006; and at 73 FR 17252].

40 CFR 63, Subpart T – National Air Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning [Amended at 72 FR 25137, May 3, 2007].

40 CFR 63, Subpart HH – National Emission Standards for Hazardous Air Pollutants for Source Categories From Oil and Natural Gas Production Facilities [Amended at 72 FR 26, January 3, 2007].

40 CFR 63, Subpart YY – National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards [Corrected at 72 FR 35663, June 29, 2007].

40 CFR 63, Subpart EEE – National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors [Amended at 71 FR 62388, October 25, 2006, and at 73 FR 18970, April 8, 2008].

40 CFR 63, Subpart LLL – National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry [Amended at 71 FR 76517, December 20, 2006].

40 CFR 63, Subpart DDDD – National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products [Amended at 72 FR 61060, October 29, 2007].

40 CFR 63, Subpart EEEE – National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) [Amended at 71 FR 42897, July 28, 2006, and at 73 FR 21825, April 23, 2008].

40 CFR 63, Subpart FFFF – National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing [Amended at 71 FR 40315, July 14, 2006].

40 CFR 63, Subpart IIII – National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks [Amended at 71 FR 76922, December 22, 2006, and at 72 FR 20227, April 24, 2007].

40 CFR 63, Subpart MMMM – National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products [Amended at 71 FR 76922, December 22, 2006, and at 72 FR 20227, April 24, 2007].

40 CFR 63, Subpart PPPP – National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products [Amended at 71 FR 76922, December 22, 2006, and at 72 FR 20227, April 24, 2007].

40 CFR 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines [Revised at 73 FR 3567, January 18, 2008].

40 CFR 63, Subpart DDDDD -National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters [Amended at 71 FR 70651, December 6, 2006].

40 CFR 63, Subpart EEEEE – National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries [Amended at 73 FR 7210, February 7, 2008].

40 CFR 63, Subpart FFFFF – National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities [Amended at 71 FR 39579, July 13, 2006].

40 CFR 63, Subpart GGGGG – National Emission Standards for Hazardous Air Pollutants: Site Remediation [Amended at 71 FR 69011, November 29, 2006].

40 CFR 63, Subpart HHHHH – National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing [Amended at 71 FR 58499, October 4, 2006].

40 CFR 63, Subpart WWWW – National Emission Standards for Hospital Ethylene Oxide Sterilizers [Added at 72 FR 73611, December 28, 2007].

40 CFR 63, Subpart YYYYY – National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities [Added at 72 FR 74087, December 28, 2007].

40 CFR 63, Subpart ZZZZZ – National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources [Added at 73 FR 225, January 2, 2008].

40 CFR 63, Subpart BBBBB – National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities [Added at 73 FR 1915, January 10, 2008, and corrected at 73 FR 12275, March 7, 2008].

40 CFR 63, Subpart CCCCC – National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities [Added at 73 FR 1915, January 10, 2008; corrected at 73 FR 12275, March 7, 2008; and amended at 73 FR 35939, June 25, 2008].

40 CFR 63, Subpart DDDDD – National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources [Added at 72 FR 2929, January 23, 2007].

40 CFR 63, Subpart EEEEE – National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Area Sources [Added at 72 FR 2929, January 23, 2007, and amended at 72 FR 36363, July 3, 2007].

40 CFR 63, Subpart FFFFF – National Emission Standards for Hazardous Air Pollutants: Secondary Copper Smelting Area Sources [Added at 72 FR 2929, January 23, 2007, and amended at 72 FR 36363, July 3, 2007].

40 CFR 63, Subpart GGGGG – National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources – Zinc, Cadmium, and Beryllium [Added at 72 FR 2929, January 23, 2007].

40 CFR 63, Subpart HHHHH – National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources [Added at 73 FR 1737, January 9, 2008, and corrected at 73 FR 8408, February 13, 2008].

40 CFR 63, Subpart LLLLL – National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources [Added at 72 FR 38863, July 16, 2007, and amended at 73 FR 15923, March 26, 2008].

40 CFR 63, Subpart MMMMM – National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources [Added at 72 FR 38863, July 16, 2007, and corrected at 73 FR 15923, March 26, 2008].

40 CFR 63, Subpart NNNNN – National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds [Added at 72 FR 38863, July 16, 2007, and amended at 73 FR 15923, March 26, 2008].

40 CFR 63, Subpart OOOOO – National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources [Added at 72 FR 38863, July 16, 2007, and amended at 73 FR 15923, March 26, 2008].

40 CFR 63, Subpart PTTTT – National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area [Added at 72 FR 38863, July 16, 2007, and amended at 73 FR 15923, March 26, 2008].

40 CFR 63, Subpart QQQQQ – National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources [Added at 72 FR 38863, July 16, 2007, and amended at 73 FR 15923, March 26, 2008].

40 CFR 63, Subpart RRRRR – National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources [Added at 72 FR 73179, December 26, 2007].

40 CFR 63, Subpart SSSSS – National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources [Added at 72 FR 73179, December 26, 2007].

40 CFR 63, Subpart TTTTT – National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources [Added at 72 FR 73179, December 26, 2007].

The following amendments to Rule 370 are also proposed:

- Add Subpart DDDDD – National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources;
- Add Subpart EEEEE – National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources;
- Add Subpart FFFFF – National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources;
- Add Subpart GGGGG – National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources—Zinc, Cadmium, and Beryllium;
- Add Subpart HHHHH – National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources;

- Add Subpart LLLLLL – National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources;
- Add Subpart MMMMMM – National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources;
- Add Subpart NNNNNN – National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds; and
- Add Subpart OOOOOO – National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources; and
- Add Subpart PPPPPP – National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area;
- Add Subpart QQQQQQ – National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources;
- Add Subpart RRRRRR – National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources;
- Add Subpart SSSSSS – National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources; and
- Add Subpart TTTTTT – National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources.

**Rule 371, Acid Rain**

This proposed incorporation by reference is substantially identical to the ADEQ's Acid Rain, R18-2-333 and 42 CFR 72, 74, 75, 76, and Acid Rain. Updates to the federal Acid Rain regulations at 40 CFR 72, 74, 75, and 76 are proposed to be incorporated by reference as of July 1, 2008, and no future editions or amendments.

40 CFR 72 – Acid Rain Program [Amended at 72 FR 51493, September 7, 2007; revised at 72 FR 59190, October 19, 2007; and amended at 73 FR 4311, January 24, 2008].

40 CFR 75 – Continuous Emission Monitoring [Revised at 72 FR 59190, October 19, 2007, and at 73 FR 4311, January 24, 2008].

40 CFR 75, Appendix F – Conversion Procedures [Corrected at 73FR 8408, February 13, 2008].

**Appendix G, Incorporated Materials**

This proposed incorporation by reference is substantially identical to the ADEQ's Appendix 2, Test Methods and Protocols and ADEQ's R18-2-102, Incorporated Materials; 40 CFR 50, 50 CFR 51 Appendices S and W, 40 CFR 53, 40 CFR 58 with appendices, and 40 CFR 60 Appendix A; and AP-42. Updates to the Code of Federal Regulations referenced in this appendix are proposed to be incorporated by reference as of July 1, 2008 and no future editions or amendments.

40 CFR 50, National Ambient Air Quality Standards for Particulate Matter [Revised at 71 FR 61144, October 17, 2006, and Appendix O added at 73 FR 1497, January 9, 2008].

40 CFR 50, National Ambient Air Quality Standards for Ozone [Added at 73 FR 16435, March 27, 2008].

40 CFR 50, National Primary and Secondary Ambient Air Quality Standards [Added at 72 FR 13560, March 22, 2007, and revised at 72 FR 28612, May 22, 2007].

40 CFR 51, Appendix M [Added and Amended at 71 FR 55119, September 21, 2006].

40 CFR 51, Appendix S – Nonattainment New Source Review (NSR) [Amended at 72 FR 10367, March 8, 2007; amended at 72 FR 24059, May 1, 2007; corrected at 72 FR 35663, June 29, 2007; amended at 72 FR 72607, December 21, 2007; and added at 73 FR 28321, May 16, 2008].

40 CFR 53, Ambient Air Monitoring Reference and Equivalent Methods [Revised at 71 FR 61235, October 17, 2006, and at 72 FR 32193, June 12, 2007].

40 CFR 58, Ambient Air Quality Surveillance [Revised at 71 FR 61235, October 17, 2006, and at 72 FR 32193, June 12, 2007, with new reference method added at 72 FR 56339, October 3, 2007].

40 CFR 60, Appendix A-1 [Amended at 73 FR 29691, May 22, 2008].

40 CFR 60, Appendix A-2 – Method 3A – Determination of Oxygen and Carbon Dioxide Concentrations in Emissions From Stationary Sources (Instrumental Analyzer Procedure) [Amended at 72 FR 51365, September 7, 2007; withdrawn at 72 FR 62414, November 5, 2007; and amended at 73 FR 29691, May 22, 2008].

40 CFR 60, Appendix A-4 – Method 6C – Determination of Sulfur Dioxide Emissions From Stationary (Instrumental Analyzer Procedure) [Amended at 72 FR 51365, September 7, 2007; withdrawn at 72 FR 62414, November 5, 2007; and amended at 73 FR 29691, May 22, 2008].

40 CFR 60, Appendix A-4 – Method 7E – Determination of Nitrogen Oxides From Stationary Sources (Instrumental Analyzer Procedure) [Amended at 72 FR 51365, September 7, 2007; withdrawn at 72 FR 62414, November 5, 2007; and amended at 73 FR 29691, May 22, 2008].

*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

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40 CFR 60, Appendix A-7 [Amended at 71 FR 55119, September 21, 2006].

40 CFR 60, Appendix A-7 – Method 20 – Determination of Oxygen and Carbon Dioxide Concentration From Stationary Sources (Instrumental Analyzer Procedure) [Amended at 72 FR 51365, September 7, 2007; withdrawn at 72 FR 62414, November 5, 2007; and amended at 73 FR 29691, May 22, 2008].

40 CFR 60, Appendix A-8 Methods 30A and 30B [Amended at 72 FR 51493, September 7, 2007].

40 CFR 60, Appendix B 40 – Performance Specification 2 – Specifications and Test Procedures for SO<sub>2</sub> and NO<sub>x</sub> Continuous Emission Monitoring Systems in Stationary Sources [Amended at 71 FR 55119, September 21, 2006, and at 72 FR 32709, June 13, 2007].

40 CFR 60, Appendix F – Quality Assurance Procedures – Relative Accuracy Test Audit (RATA) [Amended at 72 FR 32709, June 13, 2007].

The following amendments to Appendix G are also proposed:

- Add Appendix O to Part 50 – Reference Method for the Determination of Coarse Particulate Matter as PM<sub>10-2.5</sub> in the Atmosphere.
- Amend the language to include revisions to AP-42 as of July 1, 2008.

**6. Demonstration of compliance with A.R.S. §49-471.08 expedited rule making:**

Maricopa County is proposing to declare this as an expedited rule making action. Under A.R.S. § 49-479(C), a county may not adopt a rule or ordinance that is more stringent than the rules adopted by the Director of the ADEQ for similar sources unless it demonstrates compliance with the requirements of A.R.S. § 49-112.

**A.R.S. § 49-112(A)**

When authorized by law, a county may adopt a rule, ordinance, or other regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all the following conditions are met:

1. The rule, ordinance or other regulation is necessary to address a peculiar local condition; and
2. There is credible evidence that the rule, ordinance or other regulation is either:
  - a. Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible; or
  - b. Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or other regulation is equivalent to federal statutes or regulations.

Maricopa County is in compliance with A.R.S. § 49-112(A) in that the department is proposing to adopt revisions to Rules 317, 321, 360, 370, 371 and Appendix G that are not more stringent than nor in addition to a provision of A.R.S. Title 49 or rules adopted by the Director of the ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49, therefore no demonstration under A.R.S. § 49-112 is necessary. The revisions to Rules 317, 321, 360, 370, 371 and Appendix G are being proposed to reflect revisions to federal regulations and documents promulgated by the EPA and published in the Federal Register notices cited in Section 5 of this rulemaking. Other proposed changes made are typographical errors and technical corrections.

**A.R.S. § 49-112(B)**

The A.R.S. § 49-112(B) demonstration does not apply because these particular rules are in the portion of the department's air quality program that is administered under direct statutory authority. Therefore, these rules are not being adopted or revised in lieu of a state program.

**A.R.S. § 49-471.08(A)(1)**

Demonstration that the rule or ordinance making is substantially identical to the sense, meaning and effect of the federal or state rule or law from which it is derived.

Rule 317 is substantially identical to the ADEQ's Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators Rule, R18-2-732. Rule 321 is substantially identical to the ADEQ's Standards of Performance for Existing Municipal Solid Waste Landfills, R18-2-731. Rule 360 is substantially identical to the ADEQ's Standards of Performance rules, R18-2-901 through R18-2-905. Rule 370 is substantially identical to the ADEQ's National Emission Standards for Hazardous Air Pollutants rules, R18-2-1101 through R18-2-1102. Rule 371 is substantially identical to the ADEQ's Acid Rain Rule, R18-2-333. Appendix G is substantially identical to the ADEQ's Appendix 2, Test Methods and Protocols, and R18-2-102, Incorporated Materials.

**A.R.S. § 49-471.08(A)(2)**

Written finding by the Control Officer setting forth the reasons why the rule or ordinance making is necessary and does not alter the sense, meaning or effect of the federal or state rule or law from which it is derived.

This rulemaking is required to update the applicability dates in these rules. It incorporates subparts that have been passed by the federal government which are required to be implemented by the department. Rules 317, 321, 360, 370,

371, and Appendix G do not alter the sense, meaning or effect of the state rules and federal regulations from which they are derived, as they incorporate language that is essentially the same as the state's applicable rules and the federal code of regulations.

**A.R.S. § 49-471.08(A)(3)**

Demonstration that fees established in the rule or ordinance do not exceed limits specified in § 49-112.

Under A.R.S. § 49-112(B), a county may adopt rules in lieu of a state program that are as stringent as a state program, if the county demonstrates that the cost of obtaining permits or other approvals from the county will be approximately equal to or less than the costs of obtaining similar permits. Rules 317, 321, 360, 370, 371, and Appendix G do not establish fees. Any costs associated with these rules will come from permit application fees for sources obtaining a permit revision to reflect new emission limits, due to applicability of a new standard. Therefore, fees associated with these rules will be exactly the same as fees associated with similar permits.

**7. A reference to any study relevant to the rule that the department reviewed and either proposes to rely on or not rely on its evaluation of or justification for the rule, where the public may obtain or review each study, all data under lying each study, and any analysis of each study and other supporting material:**

No studies were reviewed in reference to this expedited rulemaking action. All studies conducted in regards to the CFR being incorporated by reference were conducted at the federal level.

**8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**9. The preliminary summary of the economic, small business, and consumer impact:**

Maricopa County is proposing to incorporate by reference the following federal regulations and documents promulgated by the EPA and published in the Federal Register: New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain and other parts of Title 40 Code of Federal Regulations (CFR). These revisions should not have an economic impact on businesses in Maricopa County and should not impose additional costs on the regulated community, small businesses, political subdivisions, and members of the public beyond that already incurred by reason of federal or state rule or law. The costs of compliance with these rules have already occurred and were considered when the federal and state rule or law was proposed and adopted.

**10. The name and address of department personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Cheri Dale, Planning and Analysis Division  
Maricopa County Air Quality Department  
Address: 1001 N. Central Ave., Suite 595  
Phoenix, AZ 85004  
Telephone: (602) 506-0169  
Fax: (602) 506-6179  
E-mail: cheridale@mail.maricopa.gov

**11. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the expedited rule:**

This is a proposed expedited rule making. Written requests for an oral proceeding and/or comments will be accepted if received between the date of this publication and June 26, 2009, 5:00 p.m. Written oral proceeding requests and/or comments may be mailed, e-mailed or hand delivered to the department. An oral proceeding will be scheduled only upon the receipt of a written request. Written comments received during the comment period will be considered formal comments to the expedited rulemaking and will be responded to in the Notice of Final Rulemaking.

**12. Any other matters prescribed by statute that are applicable to the specific department or to any specific rule or class of rules:**

Not applicable

**13. Incorporations by reference and their location in the rules:**

The following are proposed to be incorporated by reference as of July 1, 2008:

<u>Proposed Incorporations</u>	<u>Location</u>
40 CFR 60, Subpart Ec; and Appendices A and B; and 40 CFR 70	Rule 317
40 CFR 60, Subpart WWW	Rule 321
40 CFR 60, Subparts A, D, Da, Db, Dc, J, Ja, BB, VV, VVa, GGG, GGGa, WWW, EEEE, FFFF, HHHH, IIII, JJJJ, KKKK and Appendices.	Rule 360

40 CFR 61 Subpart A	Rule 370
40 CFR 63 Subparts A, F, G, M, T, HH, YY, EEE, LLL, DDDD, EEEE, FFFF, IIII, MMMM, PPPP, ZZZZ, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, WWWW, YYYYY, ZZZZZ, BBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, LLLLL, MMMMM, NNNNN, OOOOO, PPPPP, QQQQQ, RRRRR, SSSSS and TTTTT.	Rule 370
40 CFR 72, 74, 75, and 76	Rule 371
FR 50 and Appendices A through O; 40 CFR 51, Subpart A, Appendix A, Table 2A; and Appendix M; and Appendix S, Section IV; Appendix W; 40 CFR 52, Appendices D and E; 40 CFR 53; 40 CFR 58, and all appendices; 40 CFR 60, all appendices; and 40 CFR 61, all appendices; 40 CFR 63; 40 CFR 75, and all appendices	Appendix G
EPA Publication No. AP-42, 1995, "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, Fifth Edition, including Supplements A, B, C, D, E, F, and Updates 2001, 2002, 2003, and 2004, and all updates as of July 1, 2008.	Appendix G

**14. The full text of the rules follows:**

**REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 317**

**HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

**INDEX**

**SECTION 100 – GENERAL**

- 101 PURPOSE
- 102 APPLICABILITY
- 103 AVAILABILITY OF INFORMATION

**SECTION 200 – DEFINITIONS**

- 201 BATCH HMIWI
- 202 BIOLOGICALS
- 203 BLOOD PRODUCTS
- 204 BODY FLUIDS
- 205 CHEMOTHERAPEUTIC WASTE
- 206 CO-FIRED COMBUSTOR
- 207 CONTINUOUS HMIWI
- 208 CREMATORY
- 209 DIOXINS/FURANS
- 210 HOSPITAL
- 211 HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATOR
- 212 HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATOR OPERATOR
- 213 HOSPITAL WASTE
- 214 INFECTIOUS AGENT
- 215 INTERMITTENT HMIWI
- 216 LARGE HMIWI
- 217 LOW-LEVEL RADIOACTIVE WASTE
- 218 MAXIMUM CHARGE RATE
- 219 MAXIMUM DESIGN WASTE BURNING CAPACITY
- 220 MEDICAL/INFECTIOUS WASTE
- 221 MEDIUM HMIWI
- 222 PATHOLOGICAL WASTE
- 223 PYROLYSIS
- 224 SHUTDOWN
- 225 SMALL HMIWI

**SECTION 300 – STANDARDS**

- 301 HMIWI STANDARDS
- 302 HMIWI EMISSIONS GUIDELINES
- 303 OPACITY
- 304 LARGE HMIWI OPACITY
- 305 NIGHT BURNING
- 306 INCORPORATION BY REFERENCE
- 307 EXEMPTIONS

**SECTION 400 – ADMINISTRATIVE REQUIREMENTS**

401 COMPLIANCE SCHEDULE

**SECTION 500 – MONITORING AND RECORDS**

501 PROVIDING AND MAINTAINING MONITORING DEVICES  
502 RECORDKEEPING AND REPORTING  
503 HMIWI MONITORING REQUIREMENTS

Adopted 04/07/93  
Revised 04/07/99  
Revised 11/19/03  
Revised 03/15/06  
Revised 12/17/08

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS  
REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 317  
HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

**SECTION 100 – GENERAL**

- 101 PURPOSE:** To control emissions of air pollutants from Hospital/Medical/Infectious Waste incinerators.
- 102 APPLICABILITY:** A Hospital/Medical/Infectious Waste Incinerator (HMIWI) commenced on or before June 20, 1996, or for which construction commenced on or before June 20, 1996, shall comply with this rule unless it fits any one of the following exceptions:
- 102.1** A combustor is not subject to this rule when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned, provided the owner or operator of the combustor:
- a. Notifies the Control Officer of an exemption claim; and
  - b. Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned.
- 102.2** Any co-fired combustor is not subject to this rule if the owner or operator of the co-fired combustor:
- a. Notifies the Control Officer of an exemption claim; and
  - b. Provides an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels and/or wastes to be combusted; and
  - c. Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.
- 102.3** Any combustor required to have a permit under Title 42, United States Code (U.S.C.), Section 6925, Section 3005 of the Solid Waste Disposal Act is not subject to this rule.
- 102.4** Any combustor which meets the applicability requirements under 40 CFR 60, Subparts Cb, Ea, or Eb (standards or guidelines for certain municipal waste combustors) is not subject to this rule.
- 102.5** Any pyrolysis unit is not subject to this rule.
- 102.6** Cement kilns firing hospital waste or medical/infectious waste are not subject to this rule.
- 102.7** Physical or operational ~~will change~~ changes made to an existing HMIWI unit solely for the purpose of complying with emission guidelines under this rule are not considered a modification and do not result in an existing HMIWI unit becoming subject to the provisions of 40 CFR 60, Subpart Ec.
- 102.8** HMIWI subject to this Section are not subject to Rule 313.
- a. A crematory whose incinerator burns only human remains is not a HMIWI and is not subject to this rule. It is subject to Rule 313. However, if the incinerator burns 10 percent or less of hospital waste and medical/infectious waste, it is a co-fired combustor subject only to notification and recordkeeping requirements, as specified in Section 102.2.c of this rule. If the incinerator burns more than 10 percent hospital waste and medical/infectious waste, it is subject to all of the requirements of this rule.
  - b. Any co-fired combustor or combustor that is not subject to this rule is still subject to Rule 313. (See Applicability, Sections 102.2, 102.3 and 102.4 of this rule.)
- 103 AVAILABILITY OF INFORMATION:** Copies of the CFR referenced in this rule are available at the Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, ~~Arizona~~ AZ, 85004, or ~~call by calling (602) 506-6010~~ (602) 506-0169 for information.

**SECTION 200 – DEFINITIONS:** See Rule 100 of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply:

- 201 BATCH HMIWI** – An HMIWI that is designed such that neither waste charging nor ash removal can occur during combustion.
- 202 BIOLOGICALS** – Preparations made from living organisms and their products. This includes vaccines, cultures, etc., intended for use in diagnosing, immunizing, or treating humans or animals or in research.
- 203 BLOOD PRODUCTS** – Any product derived from human blood, including, but not limited to, blood plasma, platelets, red or white blood corpuscles, and other derived licensed products, such as interferon, etc.
- 204 BODY FLUIDS** – Liquid emanating or derived from humans and limited to blood; dialysate; amniotic, cerebrospinal, synovial, pleural, peritoneal and pericardial fluids; and semen and vaginal secretions.
- 205 CHEMOTHERAPEUTIC WASTE** – Waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.
- 206 CO-FIRED COMBUSTOR** – A unit combusting hospital waste and/or medical/infectious waste with other fuels or wastes (e.g., coal, municipal solid waste) and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, 10 percent or less of the weight of which is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered “other” wastes when calculating the percentage of hospital waste and medical/infectious waste combusted.
- 207 CONTINUOUS HMIWI** – An HMIWI that is designed to allow waste charging and ash removal during combustion.
- 208 CREMATORY** – An incinerator used for the cremation of human and animal bodies, their body parts, and for the incineration of associated animal bedding.
- 209 DIOXINS/FURANS** – The combined emissions of tetra-through octa-chlorinated dibenzo-para-dioxins and dibenzofurans, as measured by the EPA Reference Method 23, found in 40 CFR Part 60, Appendix A.
- 210 HOSPITAL** – Any facility which has an organized medical staff, maintains at least six inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of 24 hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuing medical supervision.
- 211 HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATOR OR HMIWI OR HMIWI UNIT** – Any device that combusts any amount of hospital waste or medical/infectious waste.
- 212 HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATOR OPERATOR OR HMIWI OPERATOR** – Any person who operates, controls or supervises the day-to-day operation of an HMIWI.
- 213 HOSPITAL WASTE** – Discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.
- 214 INFECTIOUS AGENT** – Any organism (such as a virus or bacteria) that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.
- 215 INTERMITTENT HMIWI** – An HMIWI that is designed to allow waste charging, but not ash removal, during combustion.
- 216 LARGE HMIWI:**
- 216.1** Except as provided in Section 216.2:
- a.** An HMIWI whose maximum design waste burning capacity is more than 500 pounds per hour; or
  - b.** A continuous or intermittent HMIWI whose maximum charge rate is more than 500 pounds per hour; or
  - c.** A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day.
- 216.2** Each of the following is not a large HMIWI:
- a.** A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 500 pounds per hour; or
  - b.** A batch HMIWI whose maximum charge rate is less than or equal to 4,000 pounds per day.
- 217 LOW-LEVEL RADIOACTIVE WASTE** – Waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)).
- 218 MAXIMUM CHARGE RATE:**
- ~~**a.**~~ **218.1** For continuous and intermittent HMIWI, 110 percent of the lowest 3-hour average charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.
  - ~~**b.**~~ **218.2** For batch HMIWI, 110 percent of the lowest daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.
- 219 MAXIMUM DESIGN WASTE BURNING CAPACITY:**

~~¶~~ **219.1** For intermittent and continuous HMIWI,  $C = P_V \times 15,000/8,500$

Where:

C = HMIWI capacity, lb/hr

$P_V$  = primary chamber volume,  $ft^3$

15,000 = primary chamber heat release rate factor, Btu/ $ft^3$  /hr

8,500 = standard waste heating value, Btu/lb.

~~¶~~ **219.2** For batch HMIWI,  $C = PV \times 4.5/8$

Where:

C = HMIWI capacity, lb/hr

PV = primary chamber volume,  $ft^3$

4.5 = waste density, lb/  $ft^3$

8 = typical hours of operation of a batch HMIWI.

**220 MEDICAL/INFECTIOUS WASTE** – Any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research, or in the production or testing of biologicals that is listed in Sections 220.1 through 220.7 of this rule. The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in 40 CFR Part 261; household waste, as defined in 40 CFR 261.4(b)(1); ash from incineration of medical/infectious waste, once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment; cremation; and domestic sewage materials identified in 40 CFR 261.4(a)(1). Medical/infectious waste does include:

**220.1** Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.

**220.2** Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.

**220.3** Human blood and blood products including:

a. Liquid waste human blood;

b. Products of blood;

c. Items saturated and/or dripping with human blood; or

d. Items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category.

**220.4** Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips.

**220.5** Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals.

**220.6** Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.

**220.7** Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

**221 MEDIUM HMIWI:**

~~221.1~~ **221.1** Except as provided in Section ~~221.1~~ **221.2**:

a. An HMIWI whose maximum design waste burning capacity is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or

b. A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or

c. A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day but less than or equal to 4,000 pounds per day.

~~221.1~~ **221.2** The following are not medium HMIWI:

a. A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour or more than 500 pounds per hour; or

- b. A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day or less than or equal to 1,600 pounds per day.

**222 PATHOLOGICAL WASTE** – Waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding (if applicable).

**223 PYROLYSIS** – The endothermic gasification of hospital waste or medical/infectious waste using external energy.

**224 SHUTDOWN** – The period of time after all waste has been combusted in the primary chamber. For continuous HMIWI, shutdown shall commence no less than 2 hours after the last charge to the incinerator. For intermittent HMIWI, shutdown shall commence no less than 4 hours after the last charge to the incinerator. For batch HMIWI, shutdown shall commence no less than 5 hours after the high-air phase of combustion has been completed.

**225 SMALL HMIWI:**

**225.1** Except as provided in Section 225.2:

- a. An HMIWI whose maximum design waste burning capacity is less than or equal to 200 pounds per hour; or
- b. A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour; or
- c. A batch HMIWI whose maximum charge rate is less than or equal to 1,600 pounds per day.

**225.2** The following are not small HMIWI:

- a. A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour; or
- b. A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day.

**SECTION 300 – STANDARDS**

**301 HMIWI STANDARDS:** An existing HMIWI covered by this Section shall comply with 40 CFR 60, Subpart Ec, and all accompanying appendices, as modified by this subsection. 40 CFR 60, Subpart Ec “Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996” is incorporated by reference in Rule 360 of the Maricopa County Air Pollution Control Regulations. Each owner or operator of an affected facility shall comply with the requirements of 40 CFR 60, Subpart Ec, as adopted and, where applicable, revised herein.

**302 HMIWI EMISSIONS GUIDELINES:** An HMIWI shall comply with the emissions guidelines listed in Table 4-317.1 listed below:

**Table 4-317.1, Emission Limits for Small, Medium, and Large HMIWI.**

Pollutant	Units (7% oxygen, dry basis)	Emission Limits (by HMIWI size)		
		Small	Medium	Large
Cadmium	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.16 (0.07) or 65%	0.16 (0.07) or 65%	0.16 (0.07) or 65%
Carbon monoxide	Parts per million by volume	40	40	40
Dioxins/furans	Nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)
Hydrogen chloride	Parts per million by volume or percent reduction	100 or 93%	100 or 93%	100 or 93%
Lead	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	1.2 (0.52) or 70%	1.2 (0.52) or 70%	1.2 (0.52) or 70%
Mercury	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.55 (0.24) or 85%	0.55 (0.24) or 85%	0.55 (0.24) or 85%
Nitrogen oxides	Parts per million by volume	250	250	250

Particulate matter	Milligrams per dry standard cubic meter (grains per dry standard cubic foot)	115 (0.05)	69 (0.03)	34 (0.015)
Sulfur dioxide	Parts per million by volume	55	55	55

- 303 OPACITY:** No owner or operator of an HMIWI shall cause to be discharged into the atmosphere from the stack of that HMIWI any gases that exhibit greater than 10 percent opacity (6-minute block average) or darker than 20 percent opacity for an aggregate of more than 30 seconds in any consecutive 60 minutes.
- 304 LARGE HMIWI OPACITY:** A large HMIWI shall comply with the opacity requirements as specified in 40 CFR 60, Sections 60.52c(c), (d), and (e).
- 305 NIGHT BURNING:** No person shall operate a medical waste incinerator between sunset and the following sunrise unless a continuous opacity (particulate) recorder is operating at all times when there is any combustion within the incinerator. Such recorder shall be in compliance with Section 501.1 of this rule.
- 306 INCORPORATION BY REFERENCE:** All CFR references as of July 1, ~~2006~~ 2008 that are listed below and in various sections of this rule are adopted and incorporated by reference. These adoptions by reference include no future editions or amendments. Copies of these CFR references are available at the Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, AZ, 85004, or ~~call 602-506-6010~~ by calling (602) 506-0169 for information.
- 40 CFR ~~Part~~ 60, Subpart Ec
  - 40 CFR ~~Part~~ 60, Sections 60.52c(c), (d), and (e)
  - 40 CFR ~~Part~~ 60, Section 60.56c
  - 40 CFR ~~Part~~ 60, Section 60.57c
  - 40 CFR ~~Part~~ 60, Sections 60.58c(b), (c), (d), (e), and (f)
  - 40 CFR ~~Part~~ 60, Appendix A and Appendix B
  - 40 CFR ~~Part~~ 70

**SECTION 400 – ADMINISTRATIVE REQUIREMENTS**

- 401 COMPLIANCE SCHEDULE:** On the effective date of an EPA approved operating permit program under Clean Air Act Title V and the implementing regulations under 40 CFR ~~Part~~ 70 in Arizona, whichever date is later, designated facilities subject to this rule shall operate pursuant to a permit issued under the EPA-approved operating permit program.

**SECTION 500 – MONITORING AND RECORDS**

- 501 PROVIDING AND MAINTAINING MONITORING DEVICES:** Except as provided in Section 502, all requirements for compliance and performance testing listed in 40 CFR 60.56c shall be required of each HMIWI, excluding the fugitive emissions testing requirements under Sections 60.56c(b)(12) and (c)(3).
- 501.1** Any person subject to Section 304 of this rule shall operate and maintain all of the following continuous data recording systems. All required systems shall be completely and properly operating during all periods of combustion within the incinerator, and each shall include a real-time recording device that creates a clear, legible record at all times of operation.
- 501.2** Opacity of stack emissions or other indicator of particulate matter which is approved by the Control Officer. Pursuant to Section 305 of this rule, any incinerator burning after sunset must be equipped with a continuously recording opacity monitor, regardless of capacity. The opacity monitor shall be located after (downstream of) all control equipment, prior to the stack exit, and prior to any dilution with ambient air. The opacity monitor shall at all times comply with the EPA Performance Specification 1 (40 CFR ~~Part~~ 60, Appendix B) and shall be calibrated no less than once each day.
- 502 RECORDKEEPING AND REPORTING:** Each HMIWI shall comply with the requirements listed in 40 CFR 60.58c(b), (c), (d), (e), and (f), excluding 40 CFR 60.58c(b)(2)(ii) (fugitive emissions) and (b)(7) (siting).
- 503 HMIWI MONITORING REQUIREMENTS:** An existing HMIWI shall comply with the monitoring requirements of 40 CFR 60.57c.

**REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 321**

**MUNICIPAL SOLID WASTE LANDFILLS**

**INDEX**

**SECTION 100 – GENERAL**

- 101 PURPOSE
- 102 APPLICABILITY
- 103 AVAILABILITY OF INFORMATION

**SECTION 200 – DEFINITIONS**

- 201 ADMINISTRATOR
- 202 AFFECTED FACILITY
- 203 COMMENCED
- 204 CONSTRUCTION
- 205 MODIFICATION
- 206 MUNICIPAL SOLID WASTE LANDFILL (MSW LANDFILL)
- 207 NMOC
- 208 OWNER OR OPERATOR

**SECTION 300 – STANDARDS**

- 301 STANDARDS OF PERFORMANCE FOR MSW LANDFILLS
- 302 DELAYED APPLICABILITY

**SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)**

**SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)**

Adopted 05/14/97  
Revised 03/01/00  
Revised 03/07/01  
Revised 11/19/03  
Revised 03/15/06  
Revised 12/17/08

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS  
REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 321  
MUNICIPAL SOLID WASTE LANDFILLS**

**SECTION 100 – GENERAL**

- 101 PURPOSE:** To limit the emission of nonmethane organic compounds from municipal solid waste landfills.
- 102 APPLICABILITY:** The provisions of this rule shall apply to each municipal solid waste landfill for which construction, reconstruction, or modification commenced prior to May 30, 1991, and which has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition.
- 103 AVAILABILITY OF INFORMATION:** Copies of 40 CFR 60, Subpart WWW are available at the Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, ~~Arizona~~ AZ, 85004, or ~~eat~~ by calling (602) 506-6010 (602) 506-0169 for information.

**SECTION 200 – DEFINITIONS:** See Rule 100 of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply:

- 201 ADMINISTRATOR** – The Control Officer, except that the Control Officer shall not be empowered to approve alternative or equivalent test methods.
- 202 AFFECTED FACILITY** – Any municipal solid waste landfill to which this rule is applicable.
- 203 COMMENCED** – State or condition where an owner or operator has undertaken a continuous program of construction; or where an owner or operator has entered into a contractual obligation to undertake and complete such a program.
- 204 CONSTRUCTION** – The fabrication, erection, or installation of an affected facility.
- 205 MODIFICATION** – Any physical change in, or change in the method of operation of, an affected facility which would result in a change in actual emissions.

- 206 **MUNICIPAL SOLID WASTE LANDFILL (MSW LANDFILL)** – An entire, publicly or privately owned, disposal facility in a contiguous geographical space where household waste is placed in or on land. Portions of a MSW landfill may be separated by access roads.
- 207 **NMOC** – Nonmethane organic compound.
- 208 **OWNER OR OPERATOR** – Any person who owns, leases, operates, controls, or supervises an affected facility.

**SECTION 300 – STANDARDS**

- 301 **STANDARDS OF PERFORMANCE FOR MSW LANDFILLS** The federal standards of performance for municipal solid waste landfills set forth in 40 CFR 60, Subpart WWW adopted as of July 1, ~~2006~~ 2008, and all accompanying appendices, excluding 40 CFR 60.750, are adopted and incorporated by reference with the amendments and revisions set forth in this section. This adoption by reference includes no future editions or revisions. Each owner or operator of an affected facility shall comply with the requirements of 40 CFR 60, Subpart WWW as adopted and, where applicable, revised herein.
  - 301.1 **Collection and Control System Design Plan:** 40 CFR 60.752(b)(2)(i) is amended to read: “Submit a collection and control design plan prepared by a professional engineer to the Administrator for approval not later than 12 months after submittal of the initial NMOC emission rate report.”
  - 301.2 **Design Capacity Report:** 40 CFR 60.757(a) is amended to read “Each owner or operator of an affected facility shall submit an initial design capacity report to the Administrator within 90 days from ~~the effective date of this rule~~ May 14, 1997.” 40 CFR 60.757(a)(1) is deleted.
  - 301.3 **NMOC Emission Rate Report:** 40 CFR 60.757(b) is amended to read “Each owner or operator of an affected facility shall submit an NMOC emission rate report to the Administrator initially and annually thereafter, except as provided for in paragraphs (b)(1)(ii) or (b)(3) of this section. The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate.” 40 CFR 60.757(b)(1)(i) is amended to read: “The initial NMOC emission rate report shall be submitted within 90 days from ~~the effective date of this rule~~ May 14, 1997 and may be combined with the initial design capacity report required in paragraph (a) of this section. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in paragraphs (b)(1)(ii) and (b)(3) of this section.”
- 302 **DELAYED APPLICABILITY:** For an affected facility that first becomes subject to the collection and control system requirement of 40 CFR 60.752 after ~~the effective date of this rule~~ May 14, 1997, the design plan shall be due not later than 12 months after submittal or scheduled submittal of an NMOC emission rate report of 50 megagrams (55.12 tons) per year or more.

**SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)**

**SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)**

**REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 360**

**NEW SOURCE PERFORMANCE STANDARDS**

**INDEX**

**SECTION 100 – GENERAL**

- 101 PURPOSE
- 102 APPLICABILITY
- 103 AVAILABILITY OF INFORMATION
- 104 FEDERAL DELEGATION AUTHORITY

**SECTION 200 – DEFINITIONS**

- 201 ADMINISTRATOR
- 202 AFFECTED FACILITY
- 203 COMMENCED
- 204 CONSTRUCTION
- 205 MODIFICATION
- 206 OWNER OR OPERATOR
- 207 STANDARD
- 208 STATIONARY SOURCE

**SECTION 300 – STANDARDS**

- 301 ADOPTED FEDERAL STANDARDS
- 302 ADDITIONAL REQUIREMENTS

**SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)**

**SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)**

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Revised 03/15/06  
Revised 12/17/08

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS  
REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 360  
NEW SOURCE PERFORMANCE STANDARDS**

**SECTION 100 – GENERAL**

- 101** PURPOSE: To establish acceptable design and performance criteria for specified new or modified emission sources.
- 102** APPLICABILITY: The provisions of this rule apply to the owner or operator of any stationary source which contains an affected facility on which the construction, reconstruction, or a modification is commenced after the date of publication of any standard applicable to such facility in 40 CFR 60 and for which federal delegation of the implementation and enforcement of the standards to the Maricopa County Air Quality Department (department) has been accomplished. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103** AVAILABILITY OF INFORMATION: Copies of all 40 CFR, Part 60 revisions currently enforced by the ~~Maricopa County Air Quality Department (MCAQD) department~~ are available at 1001 N. Central Ave., Phoenix, ~~Arizona AZ~~, 85004, or ~~call by calling (602) 506-6010~~ (602) 506-0169 for information.
- 104** **FEDERAL DELEGATION AUTHORITY:** ~~The MCAQD department shall enforce the following enumerated Federal Regulations (Part 60, Title 40 of the Code of Federal Regulations) federal new source performance standards (NSPS) (40 CFR Part 60) listed in Section 300 of this rule which have been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. the The MCAQD department may, in addition, enforce such other Federal Regulations (Part 60, Title 40 of the Code of Federal Regulations) NSPS as delegated to the County for such enforcement by the EPA to the County and which will be enumerated in any revision.~~

**SECTION 200 – DEFINITIONS:** See Rule 100 of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply:

- 201** **ADMINISTRATOR** – As used in Part 60, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods or alternative standards/work practices, or other nondelegable authorities such as those listed in 40 CFR 60.4(d), except as specifically provided in each subpart.
- 202** **AFFECTED FACILITY** – With reference to a stationary source, any apparatus to which a standard is applicable.
- 203** **COMMENCED** – With respect to the definition of "new source" in Section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction, reconstruction, or modification or that an owner or operator has entered into a contracted obligation to undertake and complete, within a reasonable time, a continuous program of construction, reconstruction or modification.
- 204** **CONSTRUCTION** – The fabrication, erection, or installation of an affected facility.

- 205 MODIFICATION** – Any physical change in, or change in the method of operation of, an existing facility which increases the amount of any contaminant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air contaminant (to which a standard applies) into the atmosphere not previously emitted.
- 206 OWNER OR OPERATOR** – Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.
- 207 STANDARD** – A standard of performance promulgated under this rule.
- 208 STATIONARY SOURCE** – Any building, structure, facility, or installation which emits or may emit any air pollutant.

**SECTION 300 – STANDARDS**

- 301 ADOPTED FEDERAL STANDARDS:** The federal standards of performance for those subparts of 40 CFR 60 adopted as of July 1, ~~2006~~ 2008, as listed below, and all accompanying appendices are adopted and incorporated by reference, and no future editions or amendments, in the Maricopa County Air Pollution Control Regulations as indicated. Incorporation by reference does not include nondelegable functions of the EPA Administrator.
- 301.1 SUBPART A** – General Provisions; exclude any sections dealing with equivalency determinations or innovative technology waivers, as covered in Sections 111(h)(3) and 111(j) respectively of the Clean Air Act.
- 301.2 SUBPART D** – Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971.
- 301.3 SUBPART Da** – Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978.
- 301.4 SUBPART Db** – Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.
- 301.5 SUBPART Dc** – Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.
- 301.6 SUBPART E** – Standards of Performance for Incinerators.
- 301.7 SUBPART Ea** – Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994.
- 301.8 SUBPART Eb** – Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996.
- 301.9 SUBPART Ec** – Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996.
- 301.10 SUBPART F** – Standards of Performance for Portland Cement Plants.
- 301.11 SUBPART G** – Standards of Performance for Nitric Acid Plants.
- 301.12 SUBPART H** – Standards of Performance for Sulfuric Acid Plants.
- 301.13 SUBPART I** – Standards of Performance for Hot Mix Asphalt Facilities.
- 301.14 SUBPART J** – Standards of Performance for Petroleum Refineries.
- 301.15 SUBPART Ja** -Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007.
- ~~301.15~~ **301.16** **SUBPART K** – Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.
- ~~301.16~~ **301.17** **SUBPART Ka** – Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.
- ~~301.17~~ **301.18** **SUBPART Kb** – Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.
- ~~301.18~~ **301.19** **SUBPART L** – Standards of Performance for Secondary Lead Smelters.
- ~~301.19~~ **301.20** **SUBPART M** – Standards of Performance for Secondary Brass and Bronze Production Plants.
- ~~301.20~~ **301.21** **SUBPART N** – Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction Commenced After June 11, 1973.
- ~~301.21~~ **301.22** **SUBPART Na** – Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction Commenced After January 20, 1983.
- ~~301.22~~ **301.23** **SUBPART O** – Standards of Performance for Sewage Treatment Plants.
- ~~301.23~~ **301.24** **SUBPART P** – Standards of Performance for Primary Copper Smelters.

*Arizona Administrative Register / Secretary of State*

**County Notices Pursuant to A.R.S. § 49-112**

- ~~301.24~~ ~~301.25~~ SUBPART Q – Standards of Performance for Primary Zinc Smelters.  
~~301.25~~ ~~301.26~~ SUBPART R – Standards of Performance for Primary Lead Smelters.  
~~301.26~~ ~~301.27~~ SUBPART S – Standards of Performance for Primary Aluminum Reduction Plants.  
~~301.27~~ ~~301.28~~ SUBPART T – Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.  
~~301.28~~ ~~301.29~~ SUBPART U – Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.  
~~301.29~~ ~~301.30~~ SUBPART V – Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants.  
~~301.30~~ ~~301.31~~ SUBPART W – Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.  
~~301.31~~ ~~301.32~~ SUBPART X – Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.  
~~301.32~~ ~~301.33~~ SUBPART Y – Standards of Performance for Coal Preparation Plants.  
~~301.33~~ ~~301.34~~ SUBPART Z – Standards of Performance for Ferroalloy Production Facilities.  
~~301.34~~ ~~301.35~~ SUBPART AA – Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983.  
~~301.35~~ ~~301.36~~ SUBPART AAa – Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983.  
~~301.36~~ ~~301.37~~ SUBPART BB – Standards of Performance for Kraft Pulp Mills.  
~~301.37~~ ~~301.38~~ SUBPART CC – Standards of Performance for Glass Manufacturing Plants.  
~~301.38~~ ~~301.39~~ SUBPART DD – Standards of Performance for Grain Elevators.  
~~301.39~~ ~~301.40~~ SUBPART EE – Standards of Performance for Surface Coating of Metal Furniture.  
~~301.40~~ ~~301.41~~ SUBPART GG – Standards of Performance for Stationary Gas Turbines.  
~~301.41~~ ~~301.42~~ SUBPART HH – Standards of Performance for Lime Manufacturing Plants.  
~~301.42~~ ~~301.43~~ SUBPART KK – Standards of Performance for Lead-Acid Battery Manufacturing Plants.  
~~301.43~~ ~~301.44~~ SUBPART LL – Standards of Performance for Metallic Mineral Processing Plants.  
~~301.44~~ ~~301.45~~ SUBPART MM – Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.  
~~301.45~~ ~~301.46~~ SUBPART NN – Standards of Performance for Phosphate Rock Plants.  
~~301.46~~ ~~301.47~~ SUBPART PP – Standards of Performance for Ammonium Sulfate Manufacture.  
~~301.47~~ ~~301.48~~ SUBPART QQ – Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.  
~~301.48~~ ~~301.49~~ SUBPART RR – Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.  
~~301.49~~ ~~301.50~~ SUBPART SS – Standards of Performance for Industrial Surface Coating: Large Appliances.  
~~301.50~~ ~~301.51~~ SUBPART TT – Standards of Performance for Metal Coil Surface Coating.  
~~301.51~~ ~~301.52~~ SUBPART UU – Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.  
~~301.52~~ ~~301.53~~ SUBPART VV – Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced after January 5, 1981, and on or Before November 7, 2006.  
~~301.53~~ ~~301.54~~ SUBPART VVa – Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced after November 7, 2006.  
~~301.54~~ ~~301.55~~ SUBPART WW – Standards of Performance for the Beverage Can Surface Coating Industry.  
~~301.55~~ ~~301.56~~ SUBPART XX – Standards of Performance for Bulk Gasoline Terminals.  
~~301.56~~ ~~301.57~~ SUBPART AAA – Standards of Performance for New Residential Wood Heaters.  
~~301.57~~ ~~301.58~~ SUBPART BBB – Standards of Performance for the Rubber Tire Manufacturing Industry.  
~~301.58~~ ~~301.59~~ SUBPART DDD – Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.  
~~301.59~~ ~~301.60~~ SUBPART FFF – Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.  
~~301.60~~ ~~301.61~~ SUBPART GGG – Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006.  
~~301.61~~ ~~301.62~~ SUBPART GGGa – Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After November 7, 2006.  
~~301.62~~ ~~301.63~~ SUBPART HHH – Standards of Performance for Synthetic Fiber Production Facilities.

- ~~301.61~~ 301.64 SUBPART III – Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
- ~~301.62~~ 301.65 SUBPART JJJ – Standards of Performance for Petroleum Dry Cleaners.
- ~~301.63~~ 301.66 SUBPART KKK – Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
- ~~301.64~~ 301.67 SUBPART LLL – Standards of Performance for Onshore Natural Gas Processing: SO<sub>2</sub> Emissions.
- ~~301.65~~ 301.68 SUBPART NNN – Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.
- ~~301.66~~ 301.69 SUBPART OOO – Standards of Performance for Nonmetallic Mineral Processing Plants.
- ~~301.67~~ 301.70 SUBPART PPP – Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants.
- ~~301.68~~ 301.71 SUBPART QQQ – Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems.
- ~~301.69~~ 301.72 SUBPART RRR – Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.
- ~~301.70~~ 301.73 SUBPART SSS – Standards of Performance for Magnetic Tape Coating Facilities.
- ~~301.71~~ 301.74 SUBPART TTT – Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.
- ~~301.72~~ 301.75 SUBPART UUU – Standards of Performance for Calciners And Dryers In Mineral Industries.
- ~~301.73~~ 301.76 SUBPART VVV – Standards of Performance for Polymeric Coating of Supporting Substrates Facilities.
- ~~301.74~~ 301.77 SUBPART WWW – Standards of Performance for Municipal Solid Waste Landfills.
- ~~301.75~~ 301.78 SUBPART AAAA – Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced after August 30, 1999 or for Which Modification or Reconstruction Is Commenced after June 6, 2001.
- ~~301.76~~ 301.79 SUBPART CCCC – Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction is Commenced after November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or after June 1, 2001.
- ~~301.77~~ 301.80 SUBPART EEEE – Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006.
- ~~301.78~~ 301.81 SUBPART FFFF – Emission Guidelines and Compliance Times for Other Solid Waste Incinerator Units That Commenced Construction On or Before December 9, 2004.
- 301.82 SUBPART IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.
- 301.83 SUBPART JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.
- 301.84 SUBPART KKKK – Standards of Performance for Stationary Combustion Turbines.

~~SECTION 302 – ADDITIONAL REQUIREMENTS: 302.1~~ From the general standards identified in Section 301 of this rule, delete 40 CFR 60.4, 60.5, and 60.6. All requests, reports, applications, submittals, and other communications to the Control Officer pursuant to this rule shall be submitted to the Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, ~~Arizona~~ AZ, 85004.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

### REGULATION III – CONTROL OF AIR CONTAMINANTS

#### RULE 370

#### FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

#### INDEX

#### SECTION 100 – GENERAL

- 101 PURPOSE
- 102 APPLICABILITY

- 103 AVAILABILITY OF INFORMATION
- 104 FEDERAL DELEGATION AUTHORITY

**SECTION 200 – DEFINITIONS**

- 201 ADMINISTRATOR
- 202 AMENDED WATER
- 203 EXISTING SOURCE
- 204 FEDERALLY LISTED HAZARDOUS AIR POLLUTANT
- 205 GOVERNMENT-ISSUED PHOTO IDENTIFICATION CARD
- 206 HAZARDOUS AIR POLLUTANT
- 207 MAJOR SOURCE
- 208 MODIFICATION
- 209 NESHAP
- 210 NEW SOURCE
- 211 STATIONARY SOURCE

**SECTION 300 – STANDARDS**

- 301 STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS
- 302 STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES
- 303 ADDITIONAL REQUIREMENTS

**SECTION 400 – ADMINISTRATIVE REQUIREMENTS**

- 401 CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES IN ACCORDANCE WITH CLEAN AIR ACT SECTIONS, SECTIONS 112(g) AND 112(j)
- 402 COMPLIANCE EXTENSIONS FOR EARLY REDUCTION OF FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS

**SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)**

Revised 07/13/88  
Revised 04/06/92  
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**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS  
REGULATION III – CONTROL OF AIR CONTAMINANTS**

**RULE 370  
FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

**SECTION 100 – GENERAL**

- 101 PURPOSE:** To establish emission standards for federally listed hazardous air pollutants.
- 102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source for which a standard is prescribed under this rule, and for which federal delegation of the implementation and enforcement of the standards to the Maricopa County Air Quality Department (~~MCAQD~~ department) has been accomplished. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.

- 103 **AVAILABILITY OF INFORMATION:** Copies of all 40 CFR, Part 61 and Part 63 revisions currently enforced by the ~~MCAQD~~ department are available at 1001 N. Central Ave., Phoenix, ~~Arizona~~ AZ, 85004, or by calling ~~(602) 506-6010~~ (602) 506-0169 for information.
- 104 **FEDERAL DELEGATION AUTHORITY:** The ~~Maricopa County Air Quality Department (MCAQD)~~ department shall enforce the national emission standards for hazardous air (NESHAPs) (40 CFR ~~Part 61 and Part 40 CFR 63~~ (2006)) listed in Section 300 of this rule which have been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. ~~the~~ The ~~MCAQD~~ department in addition, may enforce such other NESHAPs as delegated for such enforcement by the EPA to the County.

**SECTION 200 – DEFINITIONS:** See Rule 100 of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply:

- 201 **ADMINISTRATOR** – As used in Parts 61 and 63, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods, alternative standards/work practices, or other nondelegable authorities, except as specifically provided in each subpart.
- 202 **AMENDED WATER** – Water to which surfactant (wetting agent) has been added to increase the ability of the liquid to penetrate asbestos containing material (ACM).
- 203 **EXISTING SOURCE** – Any stationary source other than a new source.
- 204 **FEDERALLY LISTED HAZARDOUS AIR POLLUTANT** – Any air pollutant listed pursuant to Section 112(b) of the Act.
- 205 **GOVERNMENT-ISSUED PHOTO IDENTIFICATION CARD** – Includes, but is not limited to, a valid driver's license, a valid nonoperating identification license, a valid tribal enrollment card or tribal identification card, or other valid government issued photo identification that includes the name, address, and photograph of the card holder.
- 206 **HAZARDOUS AIR POLLUTANT** – Any air pollutant regulated under Section 112 of the Act, any air pollutant subject to NESHAP, or any air pollutant designated by the Director as a hazardous air pollutant pursuant to ARS § 49-426.04.
- 207 **MAJOR SOURCE** – A stationary source or group of stationary sources located within a contiguous area, and under common control, and that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any federally listed hazardous air pollutant or 25 tons per year or more of any combination of federally listed hazardous air pollutants. A lesser quantity or, in the case of radionuclides, a different criteria may be established by the Administrator pursuant to Section 112 of the Act and may be adopted by the Board of Supervisors by rule.
- 208 **MODIFICATION** – Any physical change in, or change in the method of operation of a major source which increases the actual emissions of any federally listed hazardous air pollutant emitted by such source by more than a de minimis amount, or which results in the emission of any federally listed hazardous air pollutant, not previously emitted by more than a de minimis amount.
- 209 **NESHAP** – National emission standards for hazardous air pollutants pursuant to 40 CFR Part 61 and Part 63.
- 210 **NEW SOURCE** – A stationary source, the construction or reconstruction of which commences after the Administrator first proposes regulations under Section 112 of the Act establishing an emission standard applicable to such source.
- 211 **STATIONARY SOURCE** – Any building, structure, facility, or installation which emits or may emit any air pollutant.

**SECTION 300 – STANDARDS**

- 301 **STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS:** The federally listed hazardous air pollutants as listed in Table ~~† 370.1~~ of this rule and NESHAPs adopted as of July 1, ~~2006~~ 2008, as listed below and as which can be found at 40 CFR 61 and all accompanying appendices, are incorporated by reference with the listed exclusions and additions and shall be applied by the Control Officer. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.
- 301.1 **SUBPART A** – General Provisions; exclude any sections dealing with equivalency determinations that are nontransferable through Section 112(e)(3) of the Act.
- 301.2 **SUBPART C** – National Emission Standard for Beryllium.
- 301.3 **SUBPART D** – National Emission Standard for Beryllium Rocket Motor Firing.
- 301.4 **SUBPART E** – National Emission Standard for Mercury.
- 301.5 **SUBPART F** – National Emission Standard for Vinyl Chloride.
- 301.6 **SUBPART J** – National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.

- 301.7 SUBPART L** – National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants.
- 301.8 SUBPART M** – National Emission Standard for Asbestos.
- a.** Each owner or operator of a demolition activity or renovation activity involving a facility as defined in 40 CFR 61, Subpart M shall:
- (1) Fully comply with all requirements of 40 CFR 61, Subpart M.
  - (2) Thoroughly inspect the facility within 12 months of commencement of demolition or renovation activity for the presence of asbestos, including Category I and Category II nonfriable ACM. Include the date of this inspection on the written notification.
  - (3) Provide the Control Officer with written notification of intention to demolish or to renovate in the manner described in 40 CFR 61.145.
  - (4) Update all notifications in accordance with 40 CFR 61.145(b). For renovations described in 40 CFR 61.145(a)(4)(iii), notifications shall expire every December 31, with new notices required at least 10 working days before the end of the calendar year preceding the year for which notice is being given. All other notifications shall expire one year from either the original postmark date, commercial delivery date or date of hand delivery to the Control Officer. For a demolition activity or renovation activity that continues beyond the expiration date, the owner or operator of the demolition or renovation activity shall notify the Control Officer in accordance with 40 CFR 61.145(b) at least 10 working days prior to the expiration of the original notice and pay all applicable fees prescribed by Rule 280 of these rules.
  - (5) Pay all applicable fees prescribed by Rule 280 of these rules.
- b.** In addition, each owner or operator of a demolition activity or renovation activity shall comply with the following requirements:
- (1) Certification, training, and record keeping requirements:
    - (a) All facilities scheduled for demolition or renovation shall be inspected by a currently certified Asbestos Hazard Emergency Response Act (AHERA) accredited asbestos building inspector (herein referenced as inspector), as required by either AHERA or the Asbestos School Hazard Abatement Reauthorization Act (ASHARA).
    - (b) Each owner and operator of a facility shall maintain a copy of any reports of inspections made for a facility for two years from completion of project, including laboratory test results of samples collected. A copy of the inspection reports and laboratory test results shall be on-site and available for inspection at the facility, upon request of the Department, during all demolition and renovation (asbestos setup, removal, handling, collecting, containerizing, cleanup and dismantling) activities.
    - (c) All asbestos workers shall maintain current AHERA worker certification. All asbestos contractor/supervisors shall maintain current AHERA/ASHARA contractor/supervisor certification and shall be on-site at all times during any active asbestos abatement work at or above NESHAP threshold amounts. A legible copy of all asbestos workers and contractor/supervisor's current training certificates from an EPA accredited training provider shall be available for inspection at all times at the demolition or renovation site.
    - (d) All asbestos workers and contractor/supervisors shall have color photo identification on-site and available for inspection, upon request of the Department, at all times during asbestos setup, removal, handling, collecting, containerizing, cleanup and dismantling. The color photo identification shall be from an EPA accredited training provider verifying the certification requirements in section (b)(1)(c), or a current government-issued photo identification card.
  - (2) Asbestos renovation and demolition standards:
    - (a) A facility owner or operator shall not create visible dust emissions when removing or transporting to the disposal site Category I nonfriable asbestos containing material (ACM) and Category II nonfriable ACM that remain nonfriable Category I ACM and nonfriable Category II ACM.
    - (b) Inspection viewing devices at facilities are required at all asbestos renovation projects where regulated asbestos containing material (RACM) is being abated, except for roofing projects involving Category I nonfriable ACM and Category II nonfriable ACM exclusively. Viewing devices shall be so designed as to allow an inspector to view the facility from the outside, either through ports or by video monitoring.
    - (c) All exposed RACM subject to cutting or dismantling operations and all RACM being removed from a facility or a facility component shall be kept adequately wet by using amended water to control the release of asbestos fibers. The use of amended water will not be required in the case of an ordered demolition, as defined in 40 CFR 61.145(a)(3), where the debris is suspected to

contain or is known to contain ACM, however ordered demolitions are subject to 40 CFR 61.145(c)(9). Specific exemptions are listed under 40 CFR 61.145(c)(3)(i)(A), 40 CFR 61.145(c)(3)(ii) and/or 40 CFR 61.145(c)(7)(i). To claim these exemptions, the owner or operator shall follow the requirements of 40 CFR 61.145(c)(3)(i)(B), 40 CFR 61.145(c)(3)(iii) and/or 61.145(c)(7)(ii) and (iii).

- (d) All RACM shall be contained in transparent, leak-tight wrapping and shall remain adequately wet to prevent dust emissions during removal, transport, storage, and proper landfill disposal following local, county, state, and federal regulations. Affix a visible and legible label to each individual wrapping with the name of the site owner or operator and the name and address of the location that generated the RACM.

- 301.9 **SUBPART N** – National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants.
- 301.10 **SUBPART O** – National Emission Standard for Inorganic Arsenic Emissions From Primary Copper Smelters.
- 301.11 **SUBPART P** – National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities.
- 301.12 **SUBPART V** – National Emission Standard for Equipment Leaks (Fugitive Emission Sources).
- 301.13 **SUBPART Y** – National Emission Standard for Benzene Emissions From Benzene Storage Vessels.
- 301.14 **SUBPART BB** – National Emission Standard for Benzene Emissions From Benzene Transfer Operations.
- 301.15 **SUBPART FF** – National Emission Standard for Benzene Waste Operations.

302 **STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES:** The federally listed hazardous air pollutants as listed in Table ~~370.1~~ of this rule and NESHAPs adopted as of July 1, ~~2006~~ 2008, as listed below and as which can be found at 40 CFR 63, and all accompanying appendices, are incorporated by reference, as applicable requirements, with the listed exclusions and additions and shall be applied by the Control Officer. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth. Incorporation by reference does not include nondelegable functions of the EPA Administrator.

- 302.1 **SUBPART A** – General Provisions.
- 302.2 **SUBPART B** – Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j).
- 302.3 **SUBPART C** – List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List.
- 302.4 **SUBPART D** – Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants.
- 302.5 **SUBPART F** – National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry.
- 302.6 **SUBPART G** – National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.
- 302.7 **SUBPART H** – National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.
- 302.8 **SUBPART I** – National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.
- 302.9 **SUBPART J** – National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production.
- 302.10 **SUBPART L** – National Emission Standards for Coke Oven Batteries.
- 302.11 **SUBPART M** – National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.
- 302.12 **SUBPART N** – National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
- 302.13 **SUBPART O** – Ethylene Oxide Emissions Standards for Sterilization Facilities.
- 302.14 **SUBPART Q** – National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.
- 302.15 **SUBPART R** – National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).
- 302.16 **SUBPART S** – National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.
- 302.17 **SUBPART T** – National Emission Standards for Halogenated Solvent Cleaning.
- 302.18 **SUBPART U** – National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.

- 302.19 SUBPART W** – National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production.
- 302.20 SUBPART X** – National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting.
- 302.21 SUBPART AA** – National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants.
- 302.22 SUBPART BB** – National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants.
- 302.23 SUBPART CC** – National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries.
- 302.24 SUBPART DD** – National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.
- 302.25 SUBPART EE** – National Emission Standards for Magnetic Tape Manufacturing Operations.
- 302.26 SUBPART GG** – National Emission Standards for Aerospace Manufacturing and Rework Facilities.
- 302.27 SUBPART HH** – National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities.
- 302.28 SUBPART JJ** – National Emission Standards for Wood Furniture Manufacturing Operations.
- 302.29 SUBPART KK** – National Emission Standards for the Printing and Publishing Industry.
- 302.30 SUBPART MM** – National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills.
- 302.31 SUBPART OO** – National Emission Standards for Tanks – Level 1.
- 302.32 SUBPART PP** – National Emission Standards for Containers.
- 302.33 SUBPART QQ** – National Emission Standards for Surface Impoundments.
- 302.34 SUBPART RR** – National Emission Standards for Individual Drain Systems.
- 302.35 SUBPART SS** – National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.
- 302.36 SUBPART TT** – National Emission Standards for Equipment Leaks – Control Level 1.
- 302.37 SUBPART UU** – National Emission Standards for Equipment Leaks – Control Level 2 Standards.
- 302.38 SUBPART VV** – National Emission Standards for Oil-Water Separators and Organic-Water Separators.
- 302.39 SUBPART WW** – National Emission Standards for Storage Vessels (Tanks) – Control Level 2.
- 302.40 SUBPART XX** – National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.
- 302.41 SUBPART YY** – National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.
- 302.42 SUBPART CCC** – National Emission Standards for Hazardous Air Pollutants for Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants.
- 302.43 SUBPART DDD** – National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.
- 302.44 SUBPART EEE** – National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.
- 302.45 SUBPART GGG** – National Emission Standards for Pharmaceuticals Production.
- 302.46 SUBPART HHH** – National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities.
- 302.47 SUBPART III** – National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.
- 302.48 SUBPART JJJ** – National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.
- 302.49 SUBPART LLL** – National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry.
- 302.50 SUBPART MMM** – National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.
- 302.51 SUBPART NNN** – National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.
- 302.52 SUBPART OOO** – National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins.
- 302.53 SUBPART PPP** – National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production.
- 302.54 SUBPART QQQ** – National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting.
- 302.55 SUBPART RRR** – National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.
- 302.56 SUBPART TTT** – National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.

- 302.57** **SUBPART UUU** – National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.
- 302.58** **SUBPART VVV** – National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.
- 302.59** **SUBPART XXX** – National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese.
- 302.60** **SUBPART AAAA** – National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.
- 302.61** **SUBPART CCCC** – National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast.
- 302.62** **SUBPART DDDD** – National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products.
- 302.63** **SUBPART EEEE** – National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline).
- 302.64** **SUBPART FFFF** – National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing.
- 302.65** **SUBPART GGGG** – National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production.
- 302.66** **SUBPART HHHH** – National Emission Standards for Hazardous Air Pollutants for Wet-formed Fiberglass Mat Production.
- 302.67** **SUBPART IIII** – National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks.
- 302.68** **SUBPART JJJJ** – National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating.
- 302.69** **SUBPART KKKK** – National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans.
- 306.70** **SUBPART MMMM** – National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.
- 302.71** **SUBPART NNNN** – National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances.
- 302.72** **SUBPART OOOO** – National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles.
- 302.73** **SUBPART PPPP** – National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.
- 302.74** **SUBPART QQQQ** – National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products.
- 302.75** **SUBPART RRRR** – National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture.
- 302.76** **SUBPART SSSS** – National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.
- 302.77** **SUBPART TTTT** – National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations.
- 302.78** **SUBPART UUUU** – National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing.
- 302.79** **SUBPART VVVV** – National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing.
- 302.80** **SUBPART WWWW** – National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production.
- 302.81** **SUBPART XXXX** – National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing.
- 302.82** **SUBPART YYYYY** – National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.
- 302.83** **SUBPART ZZZZ** – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.
- 302.84** **SUBPART AAAAA** – National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.
- 302.85** **SUBPART BBBB** – National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.
- 302.86** **SUBPART CCCCC** – National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.

- 302.87 SUBPART DDDDD** – National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters.
- 302.88 SUBPART EEEEE** – National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.
- 302.89 SUBPART FFFFF** – National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities.
- 302.90 SUBPART GGGGG** – National Emission Standards for Hazardous Air Pollutants: Site Remediation.
- 302.91 SUBPART HHHHH** – National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing.
- 306.92 SUBPART IIIII** – National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants.
- 302.93 SUBPART JJJJJ** – National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.
- 302.94 SUBPART KKKKK** – National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.
- 302.95 SUBPART LLLLL** – National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing.
- 302.96 SUBPART MMMMM** – National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations.
- 302.97 SUBPART NNNNN** – National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production.
- 302.98 SUBPART PTTTT** – National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/ Stands.
- 302.99 SUBPART QQQQQ** – National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.
- 302.100 SUBPART RRRRR** – National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing.
- 302.101 SUBPART SSSSS** – National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.
- 302.102 SUBPART TTTTT** – National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining.
- 302.103 Subpart WWWW** – National Emission Standards for Hospital Ethylene Oxide Sterilizers.
- 302.104 Subpart YYYYY** – National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities.
- 302.105 Subpart ZZZZ** – National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.
- 302.106 Subpart BBBB** – National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities.
- 302.107 Subpart CCCCC** – National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities.
- 302.108 Subpart DDDDD** – National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.
- 302.109 Subpart EEEEE** – National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Area Sources.
- 302.110 Subpart FFFFF** – National Emission Standards for Hazardous Air Pollutants: Secondary Copper Smelting Area Sources.
- 302.111 Subpart GGGGG** – National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources–Zinc, Cadmium, and Beryllium.
- 302.112 Subpart HHHHH** – National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.
- 302.113 Subpart LLLLL** – National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.
- 302.114 Subpart MMMMM** – National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources.
- 302.115 Subpart NNNNN** – National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds.

**302.116 Subpart OOOOOO** – National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.

**302.117 Subpart P P P P P P** – National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area.

**302.118 Subpart OOOOOO** – National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.

**302.119 Subpart R R R R R R** – National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.

**302.120 Subpart S S S S S S** – National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources.

**302.121 Subpart T T T T T T** – National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources.

**303 ADDITIONAL REQUIREMENTS:**

**303.1** From the general standards identified in Section 301 of this rule, delete 40 CFR 61.04. All requests, reports, applications, submittals, and other communications to the Control Officer pursuant to this rule shall be submitted to the Maricopa County Air Quality Department, 1001 N. Central Ave., Phoenix, ~~Arizona~~ AZ, 85004.

**303.2** Where the Act has established provisions, including specific schedules, for the regulation of source categories pursuant to Sections 112(e)(5) and 112(n) of the Act, the Control Officer may enforce those provisions.

**303.3** For any category or subcategory of sources licensed by the U.S. Nuclear Regulatory Commission, the Board of Supervisors shall not adopt and the Control Officer shall not enforce any standard or limitation respecting emissions of radionuclides which is more stringent than the standard or limitation adopted by the Administrator pursuant to Section 112 of the Act.

**303.4** If the Administrator finds by rule that regulation is not appropriate or necessary or that alternative control strategies should be applied, the Control Officer shall administer and enforce this rule based on the Administrator's findings.

**SECTION 400 – ADMINISTRATIVE REQUIREMENTS**

**401 CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES IN ACCORDANCE WITH CLEAN AIR ACT SECTIONS, SECTIONS 112(g) AND 112(j):** 40 CFR 63.40 through 40 CFR 63.44 and 40 CFR 63.50 through 40 CFR 63.56 are adopted by reference.

**402 COMPLIANCE EXTENSIONS FOR EARLY REDUCTION OF FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS:** 40 CFR 63.70 through 40 CFR 63.81 and Table ~~†~~ 370.1 are adopted by reference.

**SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)**

**TABLE ~~†~~ 370.1, FEDERAL LIST OF HAZARDOUS AIR POLLUTANTS**

**A.** All of the following are federally listed hazardous air pollutants:

<u>CAS No.</u>	<u>Chemical Name</u>
75-07-0	Acetaldehyde
60-35-5	Acetamide
75-05-8	Acetonitrile
98-86-2	Acetophenone
53-96-3	2-Acetylaminofluorene
107-02-8	Acrolein
79-06-1	Acrylamide
79-10-7	Acrylic acid
107-13-1	Acrylonitrile
107-05-1	Allyl chloride
92-67-1	4-Aminobiphenyl
62-53-3	Aniline
90-04-0	o-Anisidine
1332-21-4	Asbestos
71-43-2	Benzene (including benzene from gasoline)
92-87-5	Benzidine
98-07-7	Benzotrichloride
100-44-7	Benzyl chloride
92-52-4	Biphenyl
117-81-7	Bis(2-ethylhexyl)phthalate (DEHP)
542-88-1	Bis(chloromethyl)ether
75-25-2	Bromoform

106-99-0	1,3-Butadiene
156-62-7	Calcium cyanamide
133-06-2	Captan
63-25-2	Carbaryl
75-15-0	Carbon disulfide
56-23-5	Carbon tetrachloride
463-58-1	Carbonyl sulfide
120-80-9	Catechol
133-90-4	Chloramben
57-74-9	Chlordane
7782-50-5	Chlorine
79-11-8	Chloroacetic acid
532-27-4	2-Chloroacetophenone
108-90-7	Chlorobenzene
510-15-6	Chlorobenzilate
67-66-3	Chloroform
107-30-2	Chloromethyl methyl ether
126-99-8	Chloroprene
1319-77-3	Cresols/Cresylic acid (isomers and mixture)
95-48-7	o-Cresol
108-39-4	m-Cresol
106-44-5	p-Cresol
98-82-8	Cumene
94-75-7	2,4-D, salts and esters
3547-04-4	DDE
334-88-3	Diazomethane
132-64-9	Dibenzofurans
96-12-8	1,2-Dibromo-3-chloropropane
84-74-2	Dibutylphthalate
106-46-7	1,4-Dichlorobenzene(p)
91-94-1	3,3'-Dichlorobenzidene
111-44-4	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542-75-6	1,3-Dichloropropene
62-73-7	Dichlorvos
111-42-2	Diethanolamine
121-69-7	N,N-Diethyl aniline (N,N-Dimethylaniline)
64-67-5	Diethyl sulfate
119-90-4	3,3-Dimethoxybenzidine
60-11-7	Dimethyl aminoazobenzene
119-93-7	3,3-Dimethyl benzidine
79-44-7	Dimethyl carbamoyl chloride
68-12-2	Dimethyl formamide
57-14-7	1,1-Dimethyl hydrazine
131-11-3	Dimethyl phthalate
77-78-1	Dimethyl sulfate
534-52-1	4,6-Dinitro-o-cresol, and salts
51-28-5	2,4-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
123-91-1	1,4-Dioxane (1,4-Diethyleneoxide)
122-66-7	1,2-Diphenylhydrazine
106-89-8	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106-88-7	1,2-Epoxybutane
140-88-5	Ethyl acrylate
100-41-4	Ethyl benzene
51-79-6	Ethyl carbamate (Urethane)
75-00-3	Ethyl chloride (Chloroethane)
106-93-4	Ethylene dibromide (Dibromoethane)
107-06-2	Ethylene dichloride (1,2-Dichloroethane)
107-21-1	Ethylene glycol
151-56-4	Ethylene imine (Aziridine)
75-21-8	Ethylene oxide
96-45-7	Ethylene thiourea
75-34-3	Ethylidene dichloride (1,1-Dichloroethane)
50-00-0	Formaldehyde

76-44-8	Heptachlor
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
77-47-4	Hexachlorocyclopentadiene
67-72-1	Hexachloroethane
822-06-0	Hexamethylene- 1,6-diisocyanate
680-31-9	Hexamethylphosphoramide
110-54-3	Hexane
302-01-2	Hydrazine
7647-01-0	Hydrochloric acid
7664-39-3	Hydrogen fluoride (Hydrofluoric acid)
123-31-9	Hydroquinone
78-59-1	Isophorone
58-89-9	Lindane (all isomers)
108-31-6	Maleic anhydride
67-56-1	Methanol
72-43-5	Methoxychlor
74-83-9	Methyl bromide (Bromomethane)
74-87-3	Methyl chloride (Chloromethane)
71-55-6	Methyl chloroform (1,1,1-Trichloroethane)
60-34-4	Methyl hydrazine
74-88-4	Methyl iodide (Iodomethane)
108-10-1	Methyl isobutyl ketone (Hexone)
624-83-9	Methyl isocyanate
80-62-6	Methyl methacrylate
1634-04-4	Methyl tert butyl ether
101-14-4	4,4-Methylene bis (2-chloroaniline)
75-09-2	Methylene chloride (Dichloromethane)
101-68-8	Methylene diphenyl diisocyanate (MDI)
101-77-9	4,4'-Methylenedianiline
91-20-3	Naphthalene
98-95-3	Nitrobenzene
92-93-3	4-Nitrobiphenyl
100-02-7	4-Nitrophenol
79-46-9	2-Nitropropane
684-93-5	N-Nitroso-N-methylurea
62-75-9	N-Nitrosodimethylamine
59-89-2	N-Nitrosomorpholine
56-38-2	Parathion
82-68-8	Pentachloronitrobenzene (Quintobenzene)
87-86-5	Pentachlorophenol
108-95-2	Phenol
106-50-3	p-Phenylenediamine
75-44-5	Phosgene
7803-51-2	Phosphine
7723-14-0	Phosphorus
85-44-9	Phthalic anhydride
1336-36-3	Polychlorinated biphenyls (Aroclors)
1120-71-4	1,3-Propane sultone
57-57-8	beta-Propiolactone
123-38-6	Propionaldehyde
114-26-1	Propoxur (Baygon)
78-87-5	Propylene dichloride (1,2-Dichloropropane)
75-56-9	Propylene oxide
75-55-8	1,2-Propylenimine (2-Methylaziridine)
91-22-5	Quinoline
106-51-4	Quinone
100-42-5	Styrene
96-09-3	Styrene oxide
1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethylene (Perchloroethylene)
7550-45-0	Titanium tetrachloride
108-88-3	Toluene

95-80-7	2,4-Toluene diamine
584-84-9	2,4-Toluene diisocyanate
95-53-4	o-Toluidine
8001-35-2	Toxaphene (chlorinated camphene)
120-82-1	1,2,4-Trichlorobenzene
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethylene
95-95-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol
121-44-8	Triethylamine
1582-09-8	Trifluralin
540-84-1	2,2,4-Trimethylpentane
108-05-4	Vinyl acetate
593-60-2	Vinyl bromide
75-01-4	Vinyl chloride
75-35-4	Vinylidene chloride (1,1-Dichloroethylene)
1330-20-7	Xylenes (isomers and mixture)
95-47-6	o-Xylenes
108-38-3	m-Xylenes
106-42-3	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds <sup>[1]</sup>
0	Glycol ethers <sup>[2]</sup>
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers <sup>[3]</sup>
0	Nickel Compounds
0	Polycyclic Organic Matter <sup>[4]</sup>
0	Radionuclides (including radon) <sup>[5]</sup>
0	Selenium Compounds

**B.** The following applies for all listings above which contain the word "compounds" or are glycol ethers: unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

[1] X'CN where X = H' or any other group where a formal dissociation may occur (e.g. KCN or Ca(CN)2).

[2] a. Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH2CH2)n-OR' where:

n = 1, 2, or 3;

R = alkyl C7 or less; or

R = phenyl or alkyl substituted phenyl;

R' = H or alkyl C7 or less; or

OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate.

b. Glycol ethers do not include ethylene glycol monobutyl ether (EGBE, 2-Butoxyethanol) (CAS No. 111-76-2).

[3] Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter one micrometer or less.

[4] Includes organic compounds which have more than one benzene ring and which have a boiling point greater than or equal to 212°F (100°C).

[5] A type of atom which spontaneously undergoes radioactive decay.

REGULATION III – CONTROL OF AIR CONTAMINANTS

RULE 371  
ACID RAIN

INDEX

SECTION 100 – GENERAL

- 101 PURPOSE
- 102 APPLICABILITY
- 103 SEVERABILITY
- 104 AVAILABILITY OF INFORMATION
- 105 FEDERAL DELEGATION AUTHORITY

SECTION 200 – DEFINITIONS (NOT APPLICABLE)

SECTION 300 – STANDARDS

- 301 INCORPORATED SUBPARTS OF THE FEDERAL ACID RAIN REGULATIONS
- 302 FEDERAL REGULATORY REVISIONS

SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

Adopted 02/15/95  
Revised 04/03/96  
Revised 03/01/00  
Revised 03/07/01  
Revised 11/19/03  
Revised 03/15/06  
Revised 12/17/08

MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS

REGULATION III – CONTROL OF AIR CONTAMINANTS

RULE 371  
ACID RAIN

SECTION 100 – GENERAL

- 101 PURPOSE:** To incorporate by reference the Acid Rain federal regulations in order to obtain delegated authority to enforce portions of the Clean Air Act Amendments of 1990 (CAAA).
- 102 APPLICABILITY:** This rule applies to those affected units as described in 40 Code of Federal Regulations (CFR) 72.6 which has been adopted by reference and no future additions or amendments. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 SEVERABILITY:** If the provisions or requirements of the regulations incorporated pursuant to this rule conflict with any of the remaining portions of these rules, the regulations incorporated pursuant to this rule shall apply and shall take precedence.
- 104 AVAILABILITY OF INFORMATION:** Copies of 40 CFR Part 72 (Permits Regulation), 40 CFR Part 74 (Sulfur Dioxide Opt-Ins), 40 CFR Part 75 (Continuous Emission Monitoring), and 40 CFR 76 (Acid Rain Nitrogen Oxides Emission Reduction Program) and all accompanying appendices, ~~adopted as of July 1, 2006, (and no future additions or amendments) incorporated by reference~~ currently enforced by the MCAQD department are available at 1001 North N. Central Avenue Ave., Phoenix, Arizona AZ 85004, or call (602)-506-6010 ~~by calling (602) 506-0169~~ for information.
- 105 FEDERAL DELEGATION AUTHORITY:** The department shall enforce the Federal Acid Rain Regulations which have been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. The department may, in addition, enforce such other Acid Rain Rules as delegated for such enforcement by the EPA to the County.

**SECTION 200 – DEFINITIONS:** See Rule 100 of these rules for definitions of terms that are used but not specifically defined in this rule.

**SECTION 300 – STANDARDS**

**301 INCORPORATED SUBPARTS OF THE FEDERAL ACID RAIN REGULATIONS:** 40 CFR Parts 72, 74, 75 and 76 and all accompanying appendices, adopted as of July 1, ~~2006~~ 2008, (and no future additions or amendments) are incorporated by reference as applicable requirements.

**302 FEDERAL REGULATORY REVISIONS:** The Maricopa County Board of Supervisors shall take action following promulgation by the Environmental Protection Agency (EPA) of regulations implementing Section 407 and Section 410 of the Clean Air Act (CAA), or revising either Part 72, 74, 75, and/or 76 of the regulations implementing Section 407 or Section 410 of the CAA, to either incorporate such new or revised provisions by reference or to submit, for the EPA approval, the Maricopa County Air Pollution Control Regulations implementing these provisions.

**SECTION 400 – ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)**

**SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)**

Adopted 03/15/06  
Revised 12/17/08

**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS**

**APPENDIX G**

**Incorporated Materials**

1. The following test methods, protocols, federal interpretations, guidelines, and appendices located in Title 40, Code of Federal Regulations (CFR) are approved for use as directed by the ~~Department~~ department under the Maricopa County Air Pollution Control Regulations. These standards are incorporated by reference revised as of July 1, ~~2006~~ 2008, and no future editions or amendments.
  - a. 40 CFR 50;
  - b. 40 CFR 50, Appendices A through ~~N~~ O;
  - c. 40 CFR 51, Appendix M; Appendix S, Section IV; and Appendix W;
  - d. 40 CFR 52, Appendices D and E;
  - e. 40 CFR 53;
  - f. 40 CFR 58;
  - g. 40 CFR 58, ~~all appendices~~ Appendices A, C, D, E, and G;
  - h. 40 CFR 60, ~~all appendices~~ Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, B, C, D, F, G, and I;
  - i. 40 CFR 61, ~~all appendices~~ Appendices A, B, C, D, and E;
  - j. 40 CFR 63, all appendices; and
  - k. 40 CFR 75, ~~all appendices~~ Appendices A, B, C, D, E, F, G, and K.
2. The following documents are incorporated by reference and are approved for use as directed by the ~~Department~~ department under the Maricopa County Air Pollution Control Regulations. These documents are incorporated by reference as of the year specified below, and no future editions or amendments.
  - a. The Arizona Department of Environmental Quality's (ADEQ) "Arizona Testing Manual for Air Pollutant Emissions," amended as of March 1992, and no future editions or amendments.
  - b. All American Society for Testing and Materials (ASTM) test methods referenced in the Maricopa County Air Pollution Control Regulations as of the year specified in the reference, and no future editions or amendments.
  - c. The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987", published by the Executive Office of the President, Office of Management and Budget, and no future editions or amendments.
  - d. EPA Publication No. AP-42, 1995, "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, Fifth Edition, including Supplements A, B, C, D, E, F, Updates 2001, 2002, 2003, and 2004 and all updates as of July 1, ~~2006~~ 2008, and no future editions or amendments.
  - e. EPA guidance document "Guidelines for Determining Capture Efficiency", January 9, 1995, and no future editions or amendments.
  - f. 2002 US NAICS Manual, "North American Industry Classification System United States", National Technical Information Service, US Census Bureau, 2002, and no future editions or amendments.
3. The following federal regulations located in Title 40, Code of Federal Regulations (CFR) are approved for use as directed by the ~~Department~~ department under the Maricopa County Air Pollution Control Regulations. These standards are incorporated by reference revised as of July 1, ~~2006~~ 2008, and no future editions or amendments.

**County Notices Pursuant to A.R.S. § 49-112**

- a. The Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A.
- b. 40 CFR 75.

**Availability of Information:** Copies of these incorporated materials are ~~on file with the~~ available at the Maricopa County Air Quality Department, ~~and are available at~~ 1001 N. Central Ave., Phoenix, Arizona AZ, 85004, or ~~call 602-506-6010 by~~ calling (602) 506-0169 for information.